

REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

The specification has been amended to update the cross reference to related application information appearing on page 1 of the specification.

Claims 1, 3-14 and 16-38 are pending in the present application. Claims 2 and 15 have been canceled by the present amendment. Claims 1-38 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of copending application serial no. 09/859033. Claims 1-7, 9-20 and 22-38 were rejected under 35 USC 102 (e) as being anticipated by Redd et al. '754. Claims 8 and 21 were rejected under 35 USC 103(a) as being unpatentable over Redd et al. in view of Liebenow '840.

With reference to the provisional rejection of claims 1-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of copending application serial no. 09/859033, for the purposes of expediting prosecution of the present application, Applicants are submitting a properly executed terminal disclaimer. Accordingly, this rejection is no longer applicable.

Referring to the rejection of claims 1-7, 9-20 and 22-38 under 35 USC 102(e) as being anticipated by Redd et al., the applied reference to Redd et al. is not believed to anticipate or make obvious the features of the claimed invention.

Claim 1 relates to a method of dispensing image bearing products that comprises the steps of providing a plurality of network connected kiosks having image input and product output capability; inputting an image at one of the plurality of network connected kiosks; generating an identifier for the image; storing the image at a network accessible location; providing a recipient with the identifier; using the identifier to retrieve the image; and using the retrieved image to generate the image bearing product at any one of the plurality of network connected kiosks.

A feature of the present invention is to permit a user to input an image at a first kiosk so that the image is in a network, and permit access to the image at a second kiosk via some identifier. This differs from the system described in the applied reference to Redd et al. where fulfillment is done centrally and the image bearing products are sent to a recipient. The system as disclosed in Redd et al. limits the choice of products by the recipient.

The reference to Redd et al. is not believed to show or suggest the claimed step of using the retrieved image to generate an image bearing product at

any one of a plurality of network connected kiosks. That is, in Redd et al., the images are archived for future access and Redd et al. does not show or suggest the concept of accessing an image to create an image-bearing product at a second location.

Accordingly, the reference to Redd et al. is not believed to anticipate or make obvious the features of claim 1.

Claims 3-7 and 9-13 depend either directly or indirectly from claim 1 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied reference to Redd et al.

Claim 14 relates to a method of dispensing image bearing products and like claim 1, requires the use of a retrieved image to generate an image bearing product at any one of a plurality of network connected kiosks. As noted above, the reference to Redd et al. archives images for future access and is not believed to suggest the concept of accessing an image to create an image bearing product at a second location.

Accordingly, claim 14 is believed to be allowable over the reference to Redd et al.

Claims 16-20 and 22-25 depend either directly or indirectly from claim 14 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied reference.

Claim 26 relates to a method of dispensing image-bearing products. The method of claim 26 requires the steps of providing a plurality of network connected kiosks having image input and product output capability; providing a printer; generating an identifier; inputting an image at one of the plurality of network connected kiosks; storing the image at a network accessible location; inputting a name and address of a recipient at one of the plurality of network connected kiosks; printing a postcard with the printer comprising the name and address of the recipient and the identifier; sending the postcard to the recipient; using the identifier to retrieve the image; and using the retrieved image to generate the image-bearing product at any one of the plurality of network connected kiosks.

Claim 26, like claims 1 and 14, requires the concept of using a retrieved image to generate an image-bearing product in any one of a plurality of network connected kiosks. The applied reference to Redd et al. is not believed to show or suggest this feature of the present invention. Further, claim 26 requires the step of printing a postcard with the printer that comprises the name and address of the recipient and the identifier. The postcard in the present invention can be used as notification of the need for action on the part of the recipient. This

is different than the disclosure of Redd et al. which refers to address labels for stacks of prints that are to be sent to different recipients.

Accordingly, claim 26 is believed to be allowable over the reference to Redd et al.

Claims 27-31 depend from claim 26 and set forth additional unique features of the present invention which are also not believed shown or suggested in the applied reference.

Claim 32 relates to a method of dispensing image-bearing products which requires printing a first postcard with a printer that comprises a name and address of recipient and an identifier; sending the first postcard to a first recipient, with the first recipient inputting an image at one of the plurality of network connected kiosks; printing a second postcard with the printer that comprises the name and address of a second recipient and the identifier; and sending the second postcard to the second recipient, with the second recipient using the identifier to retrieve the image. Claim 33 further requires the step of using the retrieved image to generate an image-bearing product at any one of the plurality of network connected kiosks.

For the reasons noted above with respect to claim 26, the applied reference to Redd et al. is not believed to show or suggest the concept of using a retrieved image to generate an image-bearing product. Furthermore, the reference to Redd et al. is not believed to show or suggest the printing of a first postcard and a second postcard which act as notification for action by a recipient.

Accordingly, claim 32 is believed to be allowable over the reference to Redd et al.

Claims 33-38 depend either directly or indirectly from claim 32 and set forth additional unique features of the present invention which are also not believed to be shown or suggested in the applied reference.

With reference to the rejection of claims 8 and 21 under 35 USC 103(a) as being unpatentable over Redd et al. in view of Liebenow, the reference to Redd et al. and its applicability to the claimed invention has been discussed above. The reference to Liebenow is not believed to correct the deficiencies of Redd et al. with respect to the claimed invention. More specifically, each of claims 8 and 21 set forth further unique features of the method of the present invention as comprising the step of providing a recipient with an identifier that comprises sending a telephone message. The reference to Redd et al. and Liebenow, whether considered individually or in combination, are not believed to show or suggest the specific combination of using a retrieved image to generate an image-bearing product at any one of a plurality of network kiosks, and

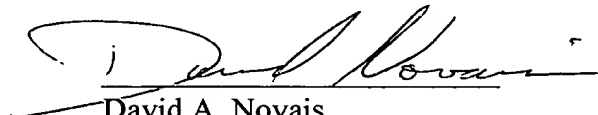
providing a recipient with an identifier that comprises sending a telephone message.

Therefore, each of claims 16 and 21 are also allowable over the applied references.

Accordingly, the references to Redd et al. and Liebenow, whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by claims 1, 3-14 and 16-38.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1, 3-14 and 16-38 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David A. Novais", is written over a horizontal line.

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